

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

February 7, 2006 Session

BETTY WALKER v. CLEO HUFF, ET AL.

Appeal from the Chancery Court for Cocke County

No. 02-012 Telford E. Forgety, Jr., Chancellor

No. E2005-01096-COA-R3-CV - FILED MARCH 22, 2006

In this adverse possession case, the primary issues presented are whether the trial court correctly ruled that the Plaintiff, Betty Walker, had established prescriptive title to the real property at issue by open, exclusive, uninterrupted, and hostile possession for longer than 20 years; and whether the trial court correctly ruled that the Defendants, the heirs of the Huff family, had established a prescriptive easement for access to part of their land via a roadbed passing across real estate owned by the Walker family. Our review of the record indicates that the trial court's resolution of these factually-driven issues was heavily dependent upon its assessment of the credibility of the various witnesses, and that the evidence does not preponderate against the trial court's conclusions. We consequently affirm the judgment of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Chancery Court Affirmed;
Case Remanded**

SHARON G. LEE, J., delivered the opinion of the court, in which HERSCHEL PICKENS FRANKS, P.J., and D. MICHAEL SWINEY, J., joined.

Mark A. Cowan, Morristown, Tennessee, for the Appellants, Cleo Huff, Mary Jo Taylor, Betty Ann Huff, Frances Jane Cureton, Jessie Lee Ellison and John Stephen Huff.

William S. Nunnally, Greeneville, Tennessee, for the Appellee, Betty Walker.

OPINION

I. Introduction

On March 5, 2003, Betty Walker filed her complaint for declaratory judgment in this case, alleging that disputes had arisen between her and the Defendants,¹ each of whom is an heir of Frank Sharp Huff, Jr., regarding the location of the boundary line marking the western border of her property and the eastern border of the Huff property. The property in dispute, approximately two acres in size, consists of a relatively narrow strip of land bounded on the east by Wolf Creek, which runs generally northward, and on the west by a private road. Ms. Walker alleged that she and her predecessors in title had been in open, adverse and continuous possession of the disputed property for a period of more than 20 years. Ms. Walker also alleged that there is a private road running generally east-west at the north end of her property, and requested that the trial court declare that the road “is on property owned exclusively by her, and is not subject to any easement privileges of any of the Defendants or their agents.”

The Huffs answered and counterclaimed, alleging that they owned the disputed land as tenants in common, and seeking damages for the “lost use of their property, rents from their property, and profits from the potential sale of their property.”

The case was tried without a jury on June 4, 2004. After hearing and considering the proof presented, the trial court ruled that Ms. Walker had established that she and her predecessors in title had been in open, adverse, and continuous possession of the disputed property for a period of more than 20 years, and declared her the owner of the property in fee simple absolute. The trial court further ruled that the Huffs were entitled to an easement over the Walker property in order to access their property to the east and to the north of Ms. Walker’s land. The trial court’s judgment stated as follows regarding the easement providing access to the Huff property north of the Walker property:

[T]he Counter-Plaintiffs are further awarded an easement in such fashion that near the west bank of Wolfe Creek they may leave the easement described hereinbefore, and proceed northward, along an existing roadbed and then enters under the west side of a railroad trestle which is near the northwestern corner of the property of Walker for purposes of entry into that portion of their property which lies north of the railroad, and it is further declared that the Counter-Plaintiffs are not awarded and they shall enjoy no easement from the private road on the Walker property into and under the eastern passageway under the trestle[.]

¹The named Defendants in this case, apparently all members of the Huff family, are Cleo Huff, Mary Jo Huff Taylor, Betty Ann Huff, Frances Jane Huff Cureton, Jessie Lee Ellison, and John Stephen Huff. For ease of reference, we will refer to these Defendants collectively as “the Huffs.”

II. Issues Presented

The Huffs appeal, raising the following issues:

1. Whether the trial court erred in ruling that Ms. Walker had established prescriptive title to the real property in dispute by open, exclusive, uninterrupted and hostile possession for longer than 20 years.
2. Whether the trial court erred in failing to award the Huffs an easement passing under the eastern side of the railroad trestle in addition to the easement allowing them access under the western side of the trestle.
3. Whether the trial court erred in failing to award the Huffs monetary damages for the loss of use of their property due to the Walkers' blockage of the Huffs' access to their property north and east of Ms. Walker's land.

Ms. Walker raises the additional issue of whether the trial court erred in ruling that the Huffs were entitled to the prescriptive easements across her property in order to access their property east and north of her land.

III. Standard of Review

In a non-jury case such as this one, we review the record *de novo* with a presumption of correctness as to the trial court's determination of facts and we must honor those findings unless there is evidence which preponderates to the contrary. Tenn. R. App. P. 13(d); *Union Carbide v. Huddleston*, 854 S.W.2d 87, 91 (Tenn. 1993). "Whether the use of another's land has been adverse or permissive is a question of fact." *Wilson v. Price*, No. E2004-02873-COA-R3-CV, 2005 WL 2007186 at *3 (Tenn. Ct. App. W.S., filed Aug 22, 2005). When a trial court has seen and heard witnesses, especially where issues of credibility and weight of oral testimony are involved, considerable deference must be accorded to the trial court's factual findings. *Seals v. England/Corsair Upholstery Mfg. Co.*, 984 S.W.2d 912, 915 (Tenn. 1999). The trial court's conclusions of law are accorded no presumption of correctness. *Campbell v. Florida Steel Corp.*, 919 S.W.2d 26, 35 (Tenn. 1996); *Presley v. Bennett*, 860 S.W.2d 857, 859 (Tenn. 1993).

IV. Analysis

A. Adverse Possession

Ms. Walker conceded at trial that she did not have a claim of color of title to the disputed property, so the case was tried solely upon the common law doctrine of adverse possession by prescription. As this court has recently stated in *Wilson v. Price*,

Adverse possession is the possession of real property of another which is inconsistent with the rights of the true owner. The

underlying idea of the doctrine of adverse possession is "that the possession should be maintained in an open and notorious manner, so as to warn the true owner that a hostile claim is being asserted to his land." *Bensdorff v. Uihlein*, 132 Tenn. 193, 177 S.W. 481, 484 (Tenn.1915). In order to assert adverse possession, a party must demonstrate that her possession has been exclusive, actual, adverse, continuous, open, and notorious for the required period of time. *Hightower v. Pendergrass*, 662 S.W.2d 932, 935 n. 2 (Tenn.1983). In Tennessee, twenty years is the prescriptive period for common law adverse possession without color of title. If a party has adversely possessed the land for the prescriptive twenty-year period, title vests in that party. *Cooke v. Smith*, 721 S.W.2d 251, 255-56 (Tenn.Ct.App.1986). The burden is on the party claiming ownership by adverse possession to demonstrate the requisite elements by clear and convincing evidence. *O'Brien v. Waggoner*, 20 Tenn.App. 145, 96 S.W.2d 170, 176 (Tenn.Ct.App.1936).

Wilson, 2005 WL 2007186 at *3. The rule requiring the adverse possessor to establish by clear and positive proof his or her adverse possession applies to both the length of time and character of the possession. *Tidwell v. Van Deventer*, 686 S.W.2d 899, 902 (Tenn. Ct. App. 1984).

In order to establish adverse possession, the claimant must exercise "only such use and occupation of the land as the land is susceptible of by its nature and character." *Cooke v. Smith*, 721 S.W.2d 251, 253 (Tenn. Ct. App. 1986). The doctrine of adverse possession is to be applied strictly, with every presumption taken in favor of a possession in subordination to the title of the true owner. *Heirs of Marr v. Gilliam*, 41 Tenn. (1 Cold.) 488, 1860 WL 3085 at *4 (Tenn. 1860); *Drewery v. Nelms*, 177 S.W. 946, 947-48 (Tenn. 1915).

In the present case, the land in dispute is a long, narrow strip approximately two acres in size bounded to the north by a railroad track, to the south by U.S. Highway 70 (Asheville Highway), to the east by Wolf Creek, and to the west by a private road. Ms. Walker asserts that the western boundary of property possessed by her and the Walker family for many years is the eastern edge of the private road. The Huffs allege that the western boundary of the Walker property is the west bank of Wolf Creek, and that the Huffs have maintained possession of the disputed property. It was undisputed at trial that the remains of a fence, now only rebar posts sticking out of the ground at regular intervals, runs along the eastern edge of the private road.

Ms. Walker testified that she has been living on the property east of Wolf Creek, which is undisputedly Walker property, continuously since 1978. She testified that since back in the 1950s, her family has been in continuous possession of the disputed tract of land. During that time, the Walkers lived in Louisiana most of the year, but spent several months per year, during summer and vacation times, on the Tennessee property. Ms. Walker stated that in the 1950s, the Walkers leased the land in dispute to Roy Stills, who grew tobacco on it. Ms. Walker testified that there was a fence

in the 1950s running generally along the east side of the private road. Ms. Walker testified that between 1956 and 1978, she never knew of anyone from the Huff family using or being on the disputed property, and that beginning in 1978, she and her husband used the property as pasture land for cattle and horses. Ms. Walker introduced photographs of cattle and horses grazing on the disputed property, some of which were taken in the early 1980s. Ms. Walker also produced photographs of boxwoods growing on the disputed property, and testified that the Walker family had been in the boxwood business for 200 years.

Ms. Walker's children, James Cowan Walker, Patrick Allen Walker, Albert Ward Walker, and Elizabeth Walker Sams, all testified and were in general agreement with the testimony of their mother. They each stated that the Walker family had possessed and maintained the property as long as they could remember, and that no one in the Huff family ever did any maintenance of the land, or anything else to indicate possession of it.

Ray Ball testified that he lived on the Walkers' property and worked for the Walker family in the late 1940s and early 1950s. He stated that he remained familiar with the property after he lived there, and that the Huffs never used nor took possession of the land at issue. Mr. Ball testified that the Huff family used the property to the west of the private road, but not to the east. Mr. Ball further stated that Ray Stills, who was the Walkers' tenant, raised tobacco on the land for years, and that the Walkers subsequently used it for pasture.

Hurley Self testified that he was a friend of both the Walkers and the Huffs and that he had lived around Wolf Creek all of his life. Mr. Self leased part of the Huff property in or around 1972 and 1973 to raise tomatoes. Mr. Self testified that at that time, Roy Stills was raising tobacco on the disputed property. He further testified that the Walkers owned the land in dispute and had maintained possession of it "ever since I was born and old enough to know about it."

Michael Grigsby, a surveyor, testified regarding a Tennessee Department of Transportation (TDOT) survey of the area, which he stated "can be used for construction, but it's also a right-of-way map where they determine how much right of way that they acquire from adjacent owners to purchase the property for the new road." Ms. Walker introduced two deeds, dated 1963, granting the state of Tennessee a right of way for road construction. One was from Frank Huff, Jr., in the amount of 0.44 acres, and the other was from W.C. Walker and James W. Walker, in the amount of 2.62 acres. Mr. Grigsby testified that the TDOT survey clearly marked the property boundary line along the private road. Mr. Grigsby further testified as follows:

Q: And this area to the left, that as I understand it the Huffs claim is their property – who ended up signing a deed to the state of Tennessee for that section to the west of Wolf Creek?

A: The Walkers.

*

*

*

Q: Did Mr. Huff sign a deed that you see of the area to the west of Wolf Creek to the state of Tennessee?

A: Well, not between the creek and the private road.

Q: Right. But the Walkers did it?

A: Yes, sir.

Mary Jo Huff Taylor testified as follows regarding the Huffs' possession and use of the disputed property:

Q: And tell us your recollection about the strip of land in dispute. Who was on that?

A: Well, I always knew or assumed that we owned it. You know, as long as I have lived, you know, I always assumed it belonged to us.

Q: And –

A: Because we used it, you know.

* * *

Q: What else other than the formal deeds that would give you title to the land, what other indication would you have that you would own it – or your family would own that strip in dispute?

A: When I was growing up my father always put tobacco beds there. As a matter of fact, I've been up there with him when he had the men that were tenant farmers pulling plants – you know, I have been there physically. Now, that would have been in the early '60s and prior to that because I left Cocke County, you know, after 1964.

* * *

A: . . . Now, I do not know who all has leased that property since then, but I do know, that they have grown cabbage around there and tobacco and everything. I do not know if they have had any tobacco beds on that strip of land since 1964 because I haven't been in the area that many times.

* * *

Q: Okay. I believe you said that your father was the kind of person who when people did things he didn't like, he wouldn't confront them; he'd just kind of fuss about it at home, but he was not the kind that would –

A: Well, I'm not saying that he didn't confront them all the time, but, you know, I probably – we heard more about it than the people that were doing it. But I do know that he complained about their farm animals messing up his fields and his tobacco beds.

* * *

Q: Okay. So are you telling us that he [Frank Huff, Jr., the witness's father] was upset about the Walkers' possession of his property, fussed about it at home, but just didn't do anything about it?

A: I – as far as I know he never did anything about it.

* * *

Q: All right. But since he died in 1981, if he was upset about the fact that the Walkers were in possession of this area, that it obviously had to have been before 1981 that he would have been upset about it?

A: Yes, sir.

Q: So therefore probably sometime in the '70s?

A: Well, I was not around in the '70s, so it had to be in the '60s or the '50s –

Q: Okay.

A: –when I was growing up.

June Huff Cureton testified that the Huff family owns the land in dispute, and stated that the only time she saw horses and cattle on that land was when they had gotten loose. Her husband, William R. Cureton, testified that there was initially a fence on the Walker (east) side of the creek, but that the Walker cattle kept breaking through the fence, and so Frank Huff, Jr. gave Mr. Walker permission to move the fence to the other side of the creek. Mr. Cureton stated that the conversation whereby Mr. Huff granted permission to move the fence “had to be in the early ‘80s.” Mr. Cureton testified as follows about his maintenance of the disputed property:

Q: Okay. What about the Bush Hogging, when did that happen?

A: Well, we Bush Hogged it for years, you know, a couple of times maybe a year, the road and so forth down through there.

Q: Well, what time frame would that have been in?

A: Well, after her dad died. Like I said, the early '80s, you know.

Q: Okay. Have you done it every year since the '80s, or just off and on?

A: Just particularly every year.

Betty Walker testified that Mr. Cureton's statements that the Huff family had bushhogged the property, and had leased it to tenants to raise tobacco, were "very false."

J.C. Raines, a friend of the Huffs, testified that years ago, Frank Huff, Jr. "always put tobacco beds [on the property in dispute] between that road and that creek." Mr. Raines testified that sometime in the late 1970s or early 1980s, the Walkers' fence was on the east side of the creek, but that Mr. Walker's cattle broke through the fence to get water when the creek was low, so Mr. Huff gave him permission to move the fence to the other side of the creek. Mr. Raines testified that he had never seen an electric fence running along the road where the rebar posts remained at time of trial.

Joe Bible, a surveyor, testified that the Huffs asked him to do a survey of the disputed area. He stated that he grew up in the area and that "everybody knew the Huffs owned that land." Mr. Bible testified that in his professional opinion, the property boundary line should be the center of Wolf Creek. He admitted that the document signed by Mr. Walker in favor of TDOT granted the state a right of way in some 2.62 acres, including an area well to the west of Wolf Creek.

As is evident from the above-described testimony, the proof in this case was directly conflicting. As the trial court aptly put it, "The witnesses don't agree, as you well know. We've got one that says it's black and one that says it's white. I mean, it's really – the witnesses are that far – are that far apart. . . ." Thus, the trial court was required to assess the strength and the credibility of the various witnesses' testimony. Our review of decisions that hinge upon witness credibility is guided by the following principles:

The credibility of witnesses is a matter that is peculiarly within the province of the trial court. *See Bowman v. Bowman*, 836 S.W.2d 563, 567 (Tenn.Ct.App.1991). That court has a distinct advantage over us: it sees the witnesses *in person*. Unlike an appellate court--which is limited to a "cold" transcript of the evidence and exhibits--the trial

court is in a position to observe the demeanor of the witnesses as they testify. This enables the trial court to make assessments regarding a witness's memory, accuracy, and, most importantly, a witness's truthfulness. The cases are legion that hold a trial court's determinations regarding witness credibility are entitled to great weight on appeal. *See, e.g., Massengale v. Massengale*, 915 S.W.2d 818, 819 (Tenn.Ct.App.1995). In the absence of unrefuted authentic documentary evidence reflecting otherwise, we are loathe to substitute our judgment for the trial court's findings with respect to the credibility of the witnesses.

Lockmiller v. Lockmiller, 2003 WL 23094418 at *4, 2003 Tenn.App. LEXIS 953, C/A No. E2002-02586-COA-R3-CV (Tenn. App. E.S., filed Dec.30, 2003) (emphasis in original).

Based on our review of the record, we find that there is ample evidence, both testimonial and otherwise, supporting the conclusion that Ms. Walker has established by clear and positive proof that she and her predecessors in title have established prescriptive title to the real property at issue by open, exclusive, uninterrupted and hostile possession for longer than 20 years. We will not second-guess the trial court's credibility determinations on this issue, and therefore we affirm its judgment granting Ms. Walker title to the disputed property.

B. Prescriptive Easement

The analysis regarding the Huffs' claim of a prescriptive easement across the north part of Ms. Walker's property is similar to that in Section A above. Easement by prescription differs from title by adverse possession in that adverse possession may ripen into absolute title and a prescriptive easement "does not arise from absolute possession and control, but from a persistent and continuous use of a privilege less than that of ownership." *Michael v. Jakes*, No. M1999-02257-COA-R3-CV, 2002 WL 1484448 at *4, 2002 Tenn. App. LEXIS 489 at *12-13 (Tenn. Ct. App. M.S., filed July 12, 2002). However, "the 'use and enjoyment' which will give rise to an easement by prescription is substantially the same in quality and characteristics as the possession required to establish title by adverse possession, in that both must be open, continuous and adverse." *Id.*

As this court has recently stated regarding the doctrine of easement by prescription,

An easement is an interest in another's real property that confers on the easement's holder an enforceable right to use that real property for a specific purpose. *Bradley v. McLeod*, 984 S.W.2d 929, 934 (Tenn.Ct.App.1998). The most common form of an easement is a right of passage across another's property. A prescriptive easement is an implied easement that is premised on the use of the property rather than language in a deed. A prescriptive easement arises when a person, acting under an adverse claim of right, makes continuous,

uninterrupted, open, visible, and exclusive use of another's property for at least twenty years with the owner's knowledge and acquiescence. *Michael v. Jakes*, No. M1999-02257-COA-R3-CV, 2002 Tenn.App. LEXIS 489, at *48 (Tenn.Ct.App. Jul. 12, 2002) (no Tenn. R.App. P. 11 application filed). The party asserting a claim of prescriptive easement bears the burden of proving these elements by clear and convincing evidence. See *McCammon v. Meredith*, 830 S.W.2d 577, 580 (Tenn.Ct.App.1991); *Fite v. Gassaway*, 27 Tenn.App. 692, 701, 184 S.W.2d 564, 567 (1944).

Stinson v. Bobo, No. M2001-02704-COA-R3-CV, 2003 WL 238723 at *3, 2003 Tenn. App. LEXIS 83 at *8-9 (Tenn. Ct. App. M.S., filed Feb. 4, 2003)(footnote and some citations omitted).

In the present case, the Huffs own not only the land west of Ms. Walker's property, but also the land to the north and the east. The Huffs requested the trial court to grant them a prescriptive easement for right-of-way of passage across the north end of Ms. Walker's property in order to access their land to the east, and across the northwestern corner of Ms. Walker's property in order to access their land to the north. The Huffs claimed that their "family has used that access for over 100 years."

The testimony regarding the Huffs' use of the alleged easements is diametrically opposed, in similar fashion to the testimony regarding adverse possession. It is undisputed that there is an old roadbed running across the north end of Ms. Walker's property, roughly parallel to the railroad track that marks the northern border between the Walker and Huff property. The witnesses presented by the Huff family, J.C. Raines, Mary Jo Huff Taylor, Jane Huff Cureton, William R. Cureton, Jr., and Joe Bible, testified to the effect that the Huffs had used the roadbed at issue, without permission, to access their property for as long as they could remember, a period of time well in excess of twenty years. On the other hand, Ms. Walker testified that in 1981, the Huffs asked the Walkers for permission to use the roadbed to remove some timber from the Huffs' property, which they granted. Ms. Walker, Hurley Self, and Patrick Allen Walker testified to the effect that they had not seen the Huffs use the access roadbed other than to remove the timber.

It is apparent that the trial court credited the testimony of the witnesses offered by the Huffs on this issue. Our review of the record persuades us that the evidence does not preponderate against the ruling of the trial court that the Huffs have established, by clear and positive proof, a prescriptive easement for access across Ms. Walker's property as found by the trial court.

As noted, a railroad track runs along the northern boundary of Ms. Walker's property. Near the northwest corner, there is a railroad trestle where Wolf Creek runs beneath the railroad. The creek apparently runs between the main supports of the trestle, and there is potential vehicular access under the trestle on both the east and west side of the creek. The trial court awarded the Huffs an easement accessing their property to the north, passing under the trestle on the west side of the creek, but not the east side. The Huffs argue on appeal that the trial court erred in failing to grant them an

easement on both sides of the creek. We do not agree. There was very little testimony regarding the roadways running north under the railroad trestle. The evidence does not preponderate against the trial court's ruling on this issue.

C. Damages for Loss of Use of Property

Ms. Walker testified that in 1998 or 1999, Mr. Walker blocked the access road across the north end of their property by putting up some railroad ties in the ground. Prior to that time, a fence ran across the road. The Huffs argue on appeal that they suffered the loss of use of their property due to the railroad tie blockage, and that the trial court should have awarded them damages in the amount of \$7,200. Jane Huff Cureton testified as to the alleged financial losses due to the lack of access. Ms. Cureton's testimony was the sole proof as to the alleged damages; her entire testimony as to damages is as follows:

Q: What monetary damages have you and your family suffered because of your lack of access?

A: Well, we have not been able to use any of that – you know, any of the property on the north side of the railroad or on the east side of the creek because of the lack of access to it.

Q: Do you rent that land out in the Tank Hollow area for hunting?

A: Yes, we have in the past.

Q: Have you had to refund money?

A: Yes, we have.

Q: How much?

A: Well, the last – the year – the last year that we leased it, we had to refund all the money. And the year –

Q: How much was that?

A: I'm – seems like it was 12 to 1,500. I'm not exactly sure, 'cause it was given to mother. And the year before that we didn't have to refund any money. . . .

Q: Have you had any other financial damages other than the \$1,200 that you've had to refund?

A: Well, we haven't – of course, we haven't been able to use the property at all.

Q: Loss of use? Do you know what that was worth to your family in dollar[s] and cents?

A: Well, we usually lease the property depending on what it was leased for anywhere from \$50 to \$100 an acre.

Q: And how many acres do you have there?

A: We're talking probably – probably 60, 70 acres.

Q: Okay. That is about \$6,000 a year?

A: Yes.

Q: Did you have a history for leasing it for that amount or just for the \$1,200?

A: The \$1,200 to \$1,500 was just for the hunting rights, that wasn't the property, that was over and above the property leases.

The trial court declined to award the Huffs monetary damages for the loss of use of their property. In their appellate brief, the Huffs state that they “are entitled to damages for having access to their land wrongfully blocked for three years.” This sentence, and one stating, “[b]ut the court erred by failing to award the Huffs loss-of-use damages of \$7,200, which was undisputed at trial,” comprise the sum total of the Huffs' argument in their brief. The Huffs make no further mention of this issue in their brief, nor do they cite any authority in support of their assertion.

As this court has previously noted, “[c]ourts have routinely held that the failure to make appropriate references to the record and to cite relevant authority in the argument section of the brief as required by [Tenn. R. App. P. 27(a)(7)] constitutes a waiver of the issue.” *Bean v. Bean*, 40 S.W.3d 52, 55 (Tenn. Ct. App. 2000); *Ray v. Ray*, No. E2004-01622-COA-R3-CV, 2005 WL 1981801 at *3 (Tenn. Ct. App. E.S., filed Aug. 16, 2005); *Charles v. Latham*, No. E2003-00852-COA-R3-CV, 2004 WL 1898261 at *2 (Tenn. Ct. App. E.S., filed Aug. 25, 2004); *see also Ballard v. Serodino, Inc.*, No. E2005-02656-COA-R3-CV, 2005 WL 2860279 at *2, fn.2 (Tenn. Ct. App. E.S., filed Oct. 31, 2005)(“When an issue is raised but ignored in the argument section of the brief, it is considered waived”). Consequently, the Huffs have waived the issue of the trial court's refusal to award damages.

V. Conclusion

For the aforementioned reasons, the judgment of the trial court is affirmed, and the case remanded for such further action as may be necessary, consistent with this opinion. Costs on appeal are assessed to the Appellants, Cleo Huff, Mary Jo Taylor, Betty Ann Huff, Frances Jane Cureton, Jessie Lee Ellison, and John Stephen Huff.

SHARON G. LEE, JUDGE